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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,178	08/02/2001	Craig Lewis	52646-00408USPT	7529
26231	7590	01/13/2005	EXAMINER	
FISH & RICHARDSON P.C. 5000 BANK ONE CENTER 1717 MAIN STREET DALLAS, TX 75201			NGUYEN, MINH DIEU T	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,178	Applicant(s) LEWIS, CRAIG	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- **Th MAILING DATE of this communication app ars on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 11-15, 17, 18, 22-24, 26, 27 and 30 is/are rejected.
- 7) ☒ Claim(s) 4, 7-8, 10, 16, 19-21, 25 and 28-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 9, 12-13, 17, 24, 23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (6,601,175).

a) As to claims 1, 13 and 24, Arnold discloses a method and system for providing password protection for data processing system through the use of limited-use machine-specific passwords comprising generating a password in response to an occurrence of a prescribed password generation event (i.e the computer system generates a nonce each time the computer system is powered on, col. 8, lines 14-17); providing the generated password to an operating system security module (Fig. 5A, element 172); producing a coded password as a function of the generated password (Fig. 5A, elements 174-178); and storing the coded password for use in connection with a secure operating system login access (col. 7, line 56 – col. 8, line 9).

b) As to claims 5, 17 and 26, Arnold discloses the prescribed password generation event includes at least one selected from the group consisting of a computer system power up; a computer system re-boot; expiration of a prescribed time duration from an immediately preceding password generation event; restoration of a security level from a modified security level to a default security level, and occurrence of a secure operating system login access (col. 8, lines 16-17).

c) As to claim 9, Arnold discloses generating the password includes generating the password for a prescribed username (col. 3, lines 33-43).

d) As to claims 12 and 23, Arnold discloses the computer system includes at least one selected from the group consisting of a stand-alone computer system and a stand-alone network of computer systems (Fig.1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175) in view of Thompson et al. (6,725,382).

Arnold does not disclose overwriting a previously generated password or previously stored coded password.

Thompson discloses a security mechanisms for thwarting theft or unauthorized access of devices and particularly to password mechanisms comprising overwriting any previous value of password (col. 6, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of overwriting previous value of password as Thompson teaches in the system of Arnold so as to maintain the updated password.

6. Claims 6, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175) in view of Henn et al. (2004/0139349).

Arnold does not disclose the modified security level of a password generation event. Henn discloses a method and system for secure pervasive access comprising a change in the security level of a certain application without changing the application function to be accessed (page 2, paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of changing in the security level within the application as Henn teaches in the system of Arnold so as to protect the security of the system.

7. Claims 11, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,601,175) in view of Warn (5,270,943).

Arnold does not disclose the dedicated application includes a point of sale application in a fuel dispensing environment.

Warn discloses a system for controlling fuel dispensers through a PC-based point of sale application software (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of point of sale application in a fuel dispensing as Warn teaches in the system of Arnold so as to integrate pump control with other features (Abstract).

Allowable Subject Matter

8. Claims 4, 7-8, 10, 16, 19-21, 25 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

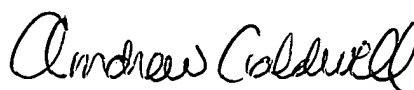
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2137

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
mdn
1/3/05



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER